

REMARKS

Claims 1-10 and 13-17 are pending in this application, with Claims 11-12 and 18-30 cancelled, and Claim 10 amended. The Applicants respectfully request reconsideration and review of the application in view of the amendments and the following remarks. By the foregoing amendments, no new matter has been added.

Before addressing the merits of the rejections based on prior art, a brief description of the present invention is provided. The present invention is directed toward the creation, storage, and distribution of digital content to multiple users across multiple devices and applications. One embodiment of the present invention operates in accordance with an intelligent media router (IMR), an encoder, and a system server.

The encoder is adapted to receive information (e.g., video data, audio data, etc.) from an information source (e.g., an information manufacturing apparatus, etc.) and to convert the information from its received form (e.g., a first information form) into a form that includes an essence data portion (e.g., data content, etc.) and a metadata portion (e.g., data content information, etc.). The metadata portion of the information is then edited by the IMR, or more particularly a first IMR module, to include routing information (e.g., destination, path, etc.). A second IMR module is then used to convert the information (e.g., essence data portion, metadata portion, etc.) into a form for distribution (e.g., a second information form). The converted information is then distributed (e.g., via a third IMR module and the system server) in accordance with the routing information. Such an embodiment can be used, for example, to route information from an information source to (and in a format compatible with) an information destination.

The Examiner rejected Claims 1-4 and 6-16 under 35 U.S.C. § 102(b) as being anticipated by Levy et al. (U.S. Pat. App. 2002/0033844). The Examiner also rejected Claims 5 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Levy et al. in

view of Mikurak (U.S. Pat. App. 2004/0064351). These rejections are respectfully traversed.

Levy et al. provides a system and method of using a watermark, or a data portion, to acquire additional (and related) data. Specifically, a first device is used to receive data and to decode a watermark portion of the data (i.e., a watermark embedded in the data). An identifier portion of the watermark is then sent to a second device via a network. The second device uses the identifier portion to locate additional (and preferably related) data (e.g., using a look-up table, a database, etc.). The additional data is then sent back to the first device. See, e.g., abstract. The additional data can be used, for example, to locate related information (e.g., metadata, etc.), to limit usage of the received data (e.g., pursuant to copyrights, etc.), etc.

Levy et al., however, does not disclose or suggest, and indeed is quite different from, the present invention. The present invention, as defined by Claims 1 and 10, includes (i) an encoder for converting data in a first information form to data having an essence data portion and a metadata portion, (ii) a first intelligent media router (IMR) module for editing the metadata portion to include routing information, (iii) a second IMR module for converting the data into a second information form, and (iv) a third IMR module for transmitting the data (in second information form) to information distributors in accordance with the routing information. In contradistinction, Levy et al. receives data and uses a portion of the data to acquire additional information. Levy et al. does not convert the data (in its entirety) from one form to another, does not edit a metadata portion of the data to include routing information, and does not transmit the data in accordance with the routing information.

The Applicants respectfully disagree with the Examiner's characterization of Levy et al. For example, the Examiner states on page 5 that the limitation of "using said second module of said IMR to convert said data into a second information form acceptable for distribution by the information distributors" is disclosed in Levy et al. at paragraphs 0180-0183. These paragraphs, however, do not disclose converting data

(which must include an essence data portion and a metadata portion), but merely disclose converting a portion of the data (i.e., "content identifier") before it is transmitted over the network. The "content identifier" is used in Levy et al. to locate metadata, which is stored in a "metadata database." Because Levy et al. provides that metadata is not a portion of the original data (see paragraphs 0180-0183, metadata is acquired from a "metadata database") and only a portion of the original data is converted (see paragraphs 0180-0183, only the "content identifier" is converted), Levy et al. cannot anticipate the claimed system.

By way of another example, the Examiner states on page 5 that the limitation of "using said third module of said IMR directs said second information form based on said tagged metadata to the information distributors for distribution of said data" is disclosed in Levy et al. at paragraph 0179. This paragraph, however, merely provides that metadata (as stored by the "metadata database") can be provided in a format compatible with the user's device. There is no disclosure or suggestion (in this paragraph or any other) that the original data (as converted from a first form, to data that includes essence data and metadata portions, to a second form) is routed in any particular way, let alone in accordance with routing information.

Claim 1 provides a first module that is used to "tag said metadata portion of said data with metadata for routing said data," a second module that is used to "convert said data into a second information form," and a third module that "directs said second information form based on said tagged metadata." Levy et al. does not disclose or suggest these limitations. For these reasons, the rejections of independent Claim 1, as well as independent Claim 10, which includes similar limitations, should be withdrawn. Furthermore, it is also requested that the rejections of Claims 2-4, 6-9 and 13-16, which depend from the aforementioned independent claims, be withdrawn.

Mikurak is directed toward an automatic order entry system and does not disclose or suggest the system described in independent Claims 1 and 10. In fact, the Examiner only cites Mikurak for its disclosure of a "legacy system," as provided in

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Claims 5 and 17. Because Mikurak fails to make up for the deficiencies of Levy et al., as identified above, it is respectfully requested that the rejections of Claims 5 and 17, which depend from the aforementioned independent claims, be withdrawn.

In view of the foregoing, the Applicants respectfully submit that Claims 1-10 and 13-17 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a three-month extension of time, extending to March 30, 2005, the period for response to the Office Action dated September 30, 2004. The Commissioner is authorized to charge \$510.00 for the three-month extension of time pursuant to 37 CFR §1.17(a)(3) and any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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